

**TWENTY-FIFTH DAY.**

(Tuesday, February 12, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Kayton.
Ackerman.	Keeton.
Adkins.	Keller.
Albritton.	Kennedy.
Anderson.	Kenyon.
Avis.	Kincaid.
Baker.	King.
Baldwin.	Kinnear.
Barnett.	Land.
Bateman.	Lee.
Beck.	Lemens.
Bond.	Long of Houston.
Bounds.	Long of Wichita.
Bradley.	Mankin.
Brice.	Mauritz.
Brooks.	Maynard.
Carpenter.	McCombs.
Chastain.	McDonald.
Coltrin.	McGill.
Conway.	McKean.
Cox of Navarro.	Mehl.
Cox of Lamar.	Metcalf.
Cox of Limestone.	Minor.
Davis.	Montgomery.
DeWolfe.	Moore.
Dunlap.	Morse.
Enderby.	Mosely.
Ewing.	Mullally.
Eickenroht.	Murphy.
Finn.	Negley.
Finlay.	Olsen.
Forbes.	Palmer.
Gates.	Patterson.
Gerron.	Pavlica.
Gilbert.	Petsch.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Pope of Nueces.
Graves of Erath.	Prendergast.
Hardy.	Purl.
Harding.	Quinn.
Harman.	Ray.
Harper.	Reader.
Harrison.	Renfro.
Heaton.	Richardson.
Hines.	Rogers.
Hogg.	Rountree.
Holder.	Sanders.
Hopkins.	Savage.
Hornaday.	Shaver.
Hubbard.	Shelton.
Jenkins.	Sherrill.
Johnson	Shipman.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Smith.
Justiss.	Snelgrove.

Speck.	Walters.
Stephens.	Warwick.
Stevenson.	Webb.
Storey.	Westbrook.
Strong.	White.
Tarwater.	Wiggs.
Thompson.	Williams
Thurmond.	of Sabine.
Tillotson.	Williams
Van Zandt.	of Travis.
Veatch.	Woodall.
Waddell.	Woodruff.
Wallace.	Young.

Absent.

Duvall.

Absent—Excused.

Acker.	Nicholson.
Fuchs.	O'Neill.
Hefley.	Reid.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Martin.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

**LEAVES OF ABSENCE GRANTED.**

The following members were granted leaves of absence on account of important business:

Mr. Hefley for today and the balance of the week, on motion of Mr. Harding.

Mr. Turner for today, on motion of Mr. Wiggs.

Mr. Martin for today, on motion of Mr. Baldwin.

Mr. Reid for today, on motion of Mr. Shipman.

The following members were granted leaves of absence on account of illness:

Mr. Nicholson for today, on motion of Mr. Kinnear.

Mr. Fuchs for today and the balance of the week, on motion of Mr. Chastain.

Mr. Jones for today, on motion of Mr. Carpenter.

**HOUSE BILLS ON FIRST READING.**

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Holder:

H. B. No. 652, A bill to be entitled "An Act to amend Section 10 of Title 78 of the Revised Civil Statutes of Texas, 1925, by adding thereto certain articles, to be known as Articles 4878a,

4878b, 4878c, 4878d, 4878e, 4878f, 4878g and 4878h, and in such amendments to authorize the Board of Insurance Commissioners to prescribe the maximum rates of commission or other remuneration which shall be payable by any stock fire insurance company authorized to do business in this State to its local agents, and to provide that the said Board of Insurance Commissioners, in prescribing the said rates of commission or other remuneration to be so paid, shall do so without discrimination, but shall make said rates for the risks to which same may apply uniform throughout the State of Texas."

Referred to Committee on Insurance.

By Mr. Finlay:

H. B. No. 653, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas, as passed by the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the Fortieth Legislature, in so far as such chapters apply to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such acts in counties having a population as above stated; and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Tillotson:

H. B. No. 654, A bill to be entitled "An Act defining motor carrier and placing such motor carriers under the regulation of the Railroad Commission of Texas; providing for the classification of motor carriers into classes, and providing that every motor carrier, in order to operate on the public highways, must have a permit or certificate of public convenience and necessity; providing further, that such motor carriers may not operate without filing with the Railroad Commission of Texas a bond or insurance policy which will protect the public for injuries or loss resulting from such operation; declaring that such motor carriers are common carriers, and giving to the Railroad Commission the power to regulate the routes and rates, schedules, service and safety of such motor carriers."

Referred to Committee on Common Carriers.

By Mr. Quinn:

H. B. No. 655, A bill to be entitled

"An Act providing that in counties having a population of not less than seventy-three thousand (73,000) and not more than seventy-three thousand, two hundred and fifty (73,250), according to the last preceding Federal census of the year 1920, and said counties having two cities with a population of not less than twenty-two thousand (22,000) each, according to the said census, it shall be unlawful for the commissioners court of such counties in this State to issue warrants for any purpose in any one year which shall exceed the amount of \$25,000."

Referred to Committee on State Affairs.

By Mr. Purl:

H. B. No. 656, A bill to be entitled "An Act to amend Article 4799 of Title 78, Chapter 6, of the Revised Statutes of 1925, by increasing the burial fund from one hundred dollars to five hundred dollars."

Referred to Committee on Insurance.

By Mr. Anderson and Mr. Kayton:

H. B. No. 657, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of 35,000 inhabitants or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the county auditors in such counties where there is a joint city and county hospital, and where a special audit for such hospital must be kept and report made to the city and county."

Referred to Committee on State Affairs.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Quinn, House bill No. 620 was ordered not printed.

On motion of Mrs. Moore, Senate bill No. 236 was ordered not printed.

On motion of Mr. Bradley, House bill No. 646 was ordered not printed.

On motion of Mr. Adkins, House bill No. 137 was ordered not printed.

On motion of Mr. McGill, Senate bill No. 169 was ordered not printed.

### COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Williams of Travis, the committee substitute to House bill No. 72 was ordered printed instead of the original bill.

On motion of Mr. Harman, the committee substitute to House bill No. 388 was ordered printed instead of the original bill.

### BILL RECOMMITTED.

On motion of Mr. Richardson, House bill No. 110 was recommitted to the Committee on Highways and Motor Traffic.

### TO RECEIVE BOY SCOUTS.

Mr. Holder offered the following resolution:

Whereas, This week is set aside as "anniversary week" by the Boy Scouts to celebrate the founding of that great institution of Americanism among the boys of this Nation; and

Whereas, Work which has been done by this great organization has been so outstanding in its great accomplishments of aiding and assisting the American boy to find himself and to apply his talents; and

Whereas, The House of Representatives, as the forum of the people of Texas, desires to honor, for a brief time at least, those actually engaged in this noble work; be it

Resolved, That the House set aside a period from 4:30 until 5:00 on this day for the purpose of receiving within the bar of the House the Boy Scouts of Austin, who will perform their ceremonies by taking the oath and describing the aims and aspirations of the Boy Scout movement.

Signed—Holder, Williams of Travis, Giles, Long of Wichita.

The resolution was read second time.

Mr. McCombs raised a point of order on further consideration of the resolution, on the ground that it violates certain rules of the House.

The Speaker sustained the point of order.

### PROVIDING FOR ADDRESS BY COL. W. G. ARCHER.

Mr. Williams of Travis offered the following resolution:

Whereas, Col. William G. Archer, former liaison officer, military adviser, and sanitary officer of King Hussein of

Arabia and personal friend of Col. T. E. Lawrence who organized the Arabian tribes in revolt against the Turks during the recent World War; and

Whereas, Col. Archer, as a representative of the King of Arabia, sat in peace conference at the close of the World War; and

Whereas, Since that time Col. Archer has traveled over the entire world studying the sanitary conditions and has made close personal observations of those factors which have to do with the rise and fall of nations; and

Whereas, Col. Archer will be in Austin during the period of February 11 and 12, 1929; therefore, be it

Resolved, That the House extend to Col. Archer the privilege of the floor for the evening of February 13 at 8 o'clock to speak on the subject of "Civilization's Debt to Texas," a subject on which no one is better qualified to speak.

Signed—Williams of Travis, Cox of Navarro.

The resolution was read second time and was adopted.

### HOUSE BILL NO. 75 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

The bill was read third time and was passed.

### HOUSE BILL NO. 156 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 156, A bill to be entitled "An Act amending Article 1838 of Chapter 3, Title 37, of the Revised Civil Statutes of 1925, as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the justices of the court to the place to which cases have been transferred to discharge the duties of his office in connection with such transferred cases."

The bill was read third time and was passed.

### HOUSE BILL NO. 195 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 195, A bill to be entitled "An Act providing that all sales of real estate for the collection of delinquent taxes due thereon shall be made only after foreclosure of tax lien securing same in accordance with existing laws governing delinquent tax foreclosure suits."

The bill was read third time and was passed.

#### HOUSE BILL NO. 232 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 232, A bill to be entitled "An Act placing a closed season on wild prairie chickens in certain counties; providing a penalty for the violation of same, and declaring an emergency."

The bill was read third time.

Mr. Rountree offered the following amendment to the bill:

Amend by adding the following counties: Hemphill, Roberts, Lipscomb.

The amendment was adopted.

House bill No. 232 was then passed.

#### HOUSE BILL NO. 523 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 523, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Childress county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax."

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Enderby.
Ackerman.	Ewing.
Adkins.	Eickenroht.
Albritton.	Finlay.
Avis.	Forbes.
Baker.	Gates.
Barnett.	Gerron.
Bateman.	Giles.
Beck.	Graves of Erath.
Bounds.	Hardy.
Bradley.	Harding.
Brice.	Harman.
Carpenter.	Harper.
Chastain.	Harrison.
Coltrin.	Heaton.
Conway.	Hines.
Cox of Navarro.	Hubbard.
Cox of Lamar.	Jenkins.
Cox of Limestone.	Johnson
DeWolfe.	of Dimmit.

Johnson of Smith.	Quinn.
Johnson of Scurry.	Ray.
Justiss.	Reader.
Keller.	Richardson.
Kennedy.	Rogers.
Kenyon.	Rountree.
Kincaid.	Sanders.
King.	Savage.
Kinnear.	Shaver.
Land.	Sherrill.
Lee.	Shipman.
Lemens.	Simmons.
Long of Houston.	Sinks.
Long of Wichita.	Snelgrove.
Mankin.	Speck.
Mauritz.	Stephens.
Maynard.	Storey.
McDonald.	Strong.
McGill.	Tarwater.
McKean.	Thurmond.
Mehl.	Tillotson.
Metcalfe.	Van Zandt.
Montgomery.	Veatch.
Moore.	Waddell.
Mosely.	Wallace.
Mullally.	Walters.
Murphy.	Westbrook.
Negley.	White.
Palmer.	Williams
Patterson.	of Sabine.
Pavlica.	Williams
Pool.	of Travis.
Pope of Nueces.	Woodall.
Prendergast.	Young.
Purl.	

Present—Not Voting.

Renfro.

Wiggs.

Absent.

Anderson.	Kayton.
Baldwin.	Keeton.
Brooks.	McCombs.
Davis.	Olsen.
Dunlap.	Pope of Jones.
Duvall.	Shelton.
Finn.	Smith.
Gilbert.	Thompson.
Hogg.	Warwick.
Holder.	Webb.
Hopkins.	Woodruff.

Absent—Excused.

Acker.	Minor.
Bond.	Morse.
Fuchs.	Nicholson.
Graves	O'Neill.
of Williamson.	Petsch.
Hefley.	Reid.
Hornaday.	Stevenson.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Martin.	

HOUSE BILL NO. 532 ON THIRD  
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 532, A bill to be entitled "An Act to provide for the appointment of an assistant district attorney in certain counties."

The bill was read third time.

Mr. Finlay offered the following amendment to the bill:

Amend House bill No. 532 by adding another section, to be numbered Section 3, and change present Section 3 to Section 4. Said new section to read as follows:

"Section 3. The person so appointed under Section 1 of this act shall be a qualified resident attorney of the district in which said appointment is made and shall take the official oath and have authority to perform all the acts and duties of district attorney under the laws of the State."

The amendment was adopted by the following vote:

Yeas—100.

Mr. Speaker.	Justiss.
Ackerman.	Kayton.
Adkins.	Keller.
Albritton.	Kenyon.
Anderson.	Kincaid.
Baker.	King.
Bateman.	Kinnear.
Beck.	Lee.
Brice.	Lemens.
Brooks.	Long of Houston.
Carpenter.	Mankin.
Chastain.	Mauritz.
Coltrin.	Maynard.
Conway.	McCombs.
Cox of Limestone.	McDonald.
DeWolfe.	McGill.
Enderby.	McKean.
Ewing.	Mehl.
Eickenroht.	Minor.
Finn.	Moore.
Finlay.	Mosely.
Forbes.	Mullally.
Graves of Erath.	Negley.
Hardy.	Olsen.
Harding.	Palmer.
Harman.	Patterson.
Harper.	Pavlica.
Harrison.	Pope of Jones.
Heaton.	Pope of Nueces.
Hines.	Prendergast.
Hopkins.	Quinn.
Hubbard.	Ray.
Jenkins.	Reader.
Johnson.	Renfro.
of Dimmit.	Richardson.
Johnson of Smith.	Rogers.
Johnson of Scurry.	Rountree.

Sanders.  
Savage.  
Shaver.  
Sherrill.  
Shipman.  
Simmons.  
Sinks.  
Snelgrove.  
Speck.  
Stephens.  
Storey.  
Strong.  
Tarwater.  
Thurmond.  
Tillotson.

Van Zandt.  
Waddell.  
Wallace.  
Walters.  
Webb.  
Westbrook.  
White.  
Wiggs.  
Williams  
of Sabine.  
Williams  
of Travis.  
Woodall.  
Young.

Nays—1.

Bounds.

Present—Not Voting.

Kennedy.

Absent.

Avis.  
Baldwin.  
Barnett.  
Bradley.  
Cox of Navarro.  
Cox of Lamar.  
Davis.  
Dunlap.  
Duvall.  
Gates.  
Gilbert.  
Giles.  
Hogg.  
Holder.

Keeton.  
Land.  
Long of Wichita.  
Metcalf.  
Montgomery.  
Pool.  
Purl.  
Shelton.  
Smith.  
Thompson.  
Veatch.  
Warwick.  
Woodruff.

Absent—Excused.

Acker.  
Bond.  
Fuchs.  
Gerron.  
Graves  
of Williamson.  
Hefley.  
Hornaday.  
Jones.  
Kemble.  
Loy.

Martin.  
Morse.  
Murphy.  
Nicholson.  
O'Neill.  
Petsch.  
Reid.  
Stevenson.  
Turner.  
Williams  
of Hardin.

House bill No. 532 was then passed by the following vote:

Yeas—100.

Mr. Speaker.	Coltrin.
Ackerman.	Conway.
Adkins.	Cox of Navarro.
Anderson.	Cox of Limestone.
Baker.	Davis.
Bateman.	DeWolfe.
Beck.	Enderby.
Brice.	Ewing.
Brooks.	Eickenroht.
Carpenter.	Finn.
Chastain.	Finlay.

Forbes.	Pool.
Graves of Erath.	Pope of Jones.
Hardy.	Pope of Nueces.
Harman.	Prendergast.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hines.	Renfro.
Hopkins.	Richardson.
Hubbard.	Rogers.
Jenkins.	Rountree.
Johnson	Sanders.
of Dimmit.	Savage.
Johnson of Smith.	Shaver.
Johnson of Scurry.	Sherrill.
Justiss.	Shipman.
Kayton.	Simmons.
Keller.	Sinks.
Kenyon.	Smith.
Kincaid.	Snelgrove.
Kinnear.	Speck.
Lee.	Storey.
Lemens.	Strong.
Long of Houston.	Tarwater.
Mauritz.	Thurmond.
Maynard.	Tillotson.
McCombs.	Van Zandt.
McDonald.	Waddell.
McGill.	Wallace.
McKean.	Walters.
Mehl.	Webb.
Metcalfe.	Westbrook.
Minor.	White.
Montgomery.	Wiggs.
Moore.	Williams
Mullally.	of Sabine.
Negley.	Williams
Olsen.	of Travis.
Palmer.	Woodall.
Patterson.	Young.
Pavlica.	

Nays—6.

Albritton.	King.
Bounds.	Mosely.
Kennedy.	Stephens.

Absent.

Avis.	Holder.
Baldwin.	Keeton.
Barnett.	Land.
Bradley.	Long of Wichita.
Cox of Lamar.	Mankin.
Dunlap.	Purl.
Duvall.	Shelton.
Gates.	Thompson.
Gilbert.	Veatch.
Giles.	Warwick.
Harding.	Woodruff.
Hogg.	

Absent—Excused.

Acker.	Gerron.
Bond.	Hefley.
Fuchs.	

Graves	Nicholson.
of Williamson.	O'Neill.
Hornaday.	Petsch.
Jones.	Reid.
Kemble.	Stevenson.
Loy.	Turner.
Martin.	Williams
Morse.	of Hardin.
Murphy.	

Mr. McCombs moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. McCombs, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill or excused on account of important committee work.

## HOUSE BILL NO. 539 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 539, A bill to be entitled "An Act to authorize the commissioners court in each county having a population not less than ten thousand and fifteen and not more than ten thousand and forty to pay the sheriff of such county for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding \$2500 per annum, to be fixed by the commissioners court at the same time other ex-officio salaries are fixed."

The bill was read third time and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Coltrin.
Adkins.	Conway.
Albritton.	Cox of Limestone.
Anderson.	Davis.
Avis.	DeWolfe.
Baldwin.	Dunlap.
Barnett.	Ewing.
Bateman.	Eickenroht.
Beck.	Finn.
Bounds.	Finlay.
Brice.	Forbes.
Brooks.	Gates.
Carpenter.	Giles.
Chastain.	Graves of Erath.

Graves	Pope of Nueces.
of Williamson.	Prendergast.
Hardy.	Quinn.
Harman.	Ray.
Harper.	Reader.
Heaton.	Renfro.
Hines.	Richardson.
Hopkins.	Rogers.
Hubbard.	Sanders.
Johnson	Savage.
of Dimmit.	Shaver.
Johnson of Smith.	Sherrill.
Johnson of Scurry.	Shipman.
Justiss.	Simmons.
Kayton.	Sinks.
Keller.	Smith.
Kenyon.	Snelgrove.
Kincaid.	Speck.
King.	Stephens.
Kinnear.	Storey.
Lee.	Strong.
Lemens.	Tarwater.
Long of Houston.	Thurmond.
Mankin.	Tillotson.
Mauritz.	Van Zandt.
Maynard.	Veatch.
McCombs.	Waddell.
McDonald.	Wallace.
McGill.	Walters.
McKean.	Webb.
Mehl.	Westbrook.
Minor.	White.
Moore.	Wiggs.
Mosely.	Williams
Mullally.	of Sabine.
Negley.	Williams
Olsen.	of Travis.
Palmer.	Woodall.
Patterson.	Young.
Pavlica.	

Nays—2.

Ackerman. Jenkins.

Present—Not Voting.

Kennedy.

Absent.

Baker.	Land.
Bradley.	Long of Wichita.
Cox of Navarro.	Metcalfe.
Cox of Lamar.	Montgomery.
Duvall.	Pool.
Enderby.	Pope of Jones.
Gilbert.	Purl.
Harding.	Rountree.
Harrison.	Shelton.
Hogg.	Thompson.
Holder.	Warwick.
Keeton.	Woodruff.

Absent—Excused.

Acker.	Fuchs.
Bond.	Gerron.

Hefley.	Nicholson.
Hornaday.	O'Neill.
Jones.	Petsch.
Kemble.	Reid.
Loy.	Stevenson.
Martin.	Turner.
Morse.	Williams
Murphy.	of Hardin.

## HOUSE BILL NO. 557 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 557, A bill to be entitled "An Act to amend Chapter 78 of the Local and Special Laws created by the Thirty-sixth Legislature at its Regular Session in 1919, same being a special road law for Erath county, as same is amended by Chapter 123, Special Laws of the Fortieth Legislature at its Regular Session in 1927, by changing the date in Section 2a therein from March 1, 1927, to January 1, 1929."

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Hubbard.
Ackerman.	Johnson
Adkins.	of Dimmit.
Albritton.	Johnson of Smith.
Anderson.	Johnson of Scurry.
Avis.	Justiss.
Baldwin.	Kayton.
Barnett.	Keller.
Bateman.	Kennedy.
Beck.	Kenyon.
Bounds.	Kincaid.
Brice.	King.
Brooks.	Kinnear.
Chastain.	Lee.
Coltrin.	Lemens.
Conway.	Mankin.
Cox of Lamar.	Mauritz.
Cox of Limestone.	Maynard.
Davis.	McCombs.
Dunlap.	McDonald.
Enderby.	McGill.
Ewing.	McKean.
Eickenroht.	Mehl.
Finn.	Minor.
Finlay.	Montgomery.
Forbes.	Moore.
Giles.	Mullally.
Graves	Negley.
of Williamson.	Olsen.
Graves of Erath.	Palmer.
Hardy.	Patterson.
Harman.	Pavlica.
Harper.	Pope of Jones.
Harrison.	Prendergast
Heaton.	Quinn.
Hines.	Ray.
Hopkins.	Reader.

Renfro.	Thurmond.
Richardson.	Van Zandt.
Rogers.	Veatch.
Sanders.	Waddell.
Shaver.	Wallace.
Sherrill.	Walters.
Shipman.	Webb.
Simmons.	Westbrook.
Sinks.	White.
Snelgrove.	Wiggs.
Speck.	Williams
Stephens.	of Sabine.
Stevenson.	Williams
Storey.	of Travis.
Strong.	Woodall.
Tarwater.	Young.

Nays—1.

Jenkins.

Present—Not Voting.

Long of Houston.

Absent.

Baker.	Metcalfe.
Bradley.	Mosely.
Carpenter.	Pool.
Cox of Navarro.	Pope of Nueces.
DeWolfe.	Purl.
Duvall.	Rountree.
Gates.	Savage.
Gilbert.	Shelton.
Harding.	Smith.
Hogg.	Thompson.
Holder.	Tillotson.
Keeton.	Warwick.
Land.	Woodruff.
Long of Wichita.	

Absent—Excused.

Acker.	Morse.
Bond.	Murphy.
Fuchs.	Nicholson.
Gerron.	O'Neill.
Hefley.	Petsch.
Hornaday.	Reid.
Jones.	Turner.
Kemble.	Williams
Loy.	of Hardin.
Martin.	

## HOUSE BILL NO. 565 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 565, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Foard county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Mankin.
Ackerman.	Mauritz.
Adkins.	Maynard.
Albritton.	McCombs.
Anderson.	McDonald.
Avis.	McGill.
Baldwin.	McKean.
Barnett.	Mehl.
Bateman.	Minor.
Beck.	Montgomery.
Bounds.	Mosely.
Brice.	Mullally.
Brooks.	Negley.
Carpenter.	Olsen.
Chastain.	Patterson.
Coltrin.	Pavlica.
Conway.	Pope of Jones.
Cox of Limestone.	Pope of Nueces.
Davis.	Prendergast.
DeWolfe.	Ray.
Dunlap.	Reader.
Enderby.	Renfro.
Eickenroht.	Richardson.
Finn.	Rogers.
Finlay.	Sanders.
Forbes.	Savage.
Gates.	Shaver.
Giles.	Sherrill.
Graves	Shipman.
of Williamson.	Simmons.
Graves of Erath.	Sinks.
Hardy.	Snelgrove.
Harman.	Speck.
Harper.	Stephens.
Heaton.	Stevenson.
Hines.	Storey.
Hopkins.	Strong.
Hubbard.	Tarwater.
Jenkins.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Keller.	Webb.
Kemble.	Westbrook.
Kennedy.	White.
Kenyon.	Wiggs.
Kincaid.	Williams
King.	of Sabine.
Kinnear.	Williams
Lee.	of Travis.
Lemens.	Woodall.
Long of Houston.	Young.

Absent.

Baker.	Ewing.
Bradley.	Gilbert.
Cox of Navarro.	Harding.
Cox of Lamar.	Harrison.
Duvall.	Hogg.



Holder.	Purl.
Keeton.	Quinn.
Land.	Rountree.
Long of Wichita.	Shelton.
Metcalfe.	Smith.
Moore.	Thompson.
Palmer.	Warwick.
Petsch.	Woodruff.
Pool.	

Absent—Excused

Acker.	Morse.
Bond.	Murphy.
Fuchs.	Nicholson.
Gerron.	O'Neill.
Hefley.	Reid.
Hornaday.	Turner.
Jones.	Williams
Loy.	of Hardin.
Martin.	

## HOUSE BILL NO. 7 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 7, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the Commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners court therewith."

The bill was read second time.

Mr. Pope of Nueces offered the following amendments to the bill:

(1)

Amend House bill No. 7 by striking out the word "the" last appearing in line 18, page 7, and by striking out line 19, page 7, down to and including the word "authorized," and insert in lieu thereof the following: "It shall be the duty of the State Highway Department."

(2)

Amend House bill No. 7 by striking out the letter "a" at the end of line 23, page 1, and insert in lieu thereof the following. "an all-weather."

(3)

Amend House bill No. 7 by striking out line 35, page 1, and insert in lieu thereof the following: "It shall be the

duty of any county commissioners court in this State."

The amendments were severally adopted.

House bill No. 7 was then passed to engrossment.

## HOUSE BILL NO. 7 ON THIRD READING.

Mr. Tillotson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	Keller.
Ackerman.	Kennedy.
Adkins.	Kincaid.
Albritton.	King.
Avis.	Kinnear.
Baker.	Lee.
Baldwin.	Lemens.
Barnett.	Long of Houston.
Bateman.	Long of Wichita.
Beck.	Mankin.
Bounds.	Mauritz.
Bradley.	Maynard.
Brice.	McDonald.
Brooks.	McGill.
Carpenter.	McKean.
Chastain.	Mehl.
Coltrin.	Montgomery.
Conway.	Moore.
Cox of Lamar.	Mosely.
Cox of Limestone.	Mullally.
Davis.	Negley.
Dunlap.	Olsen.
Enderby.	Palmer.
Ewing.	Pavlica.
Eickenroht.	Pool.
Finlay.	Pope of Jones.
Forbes.	Pope of Nueces.
Gilbert.	Prendergast.
Giles.	Quinn.
Graves	Reader.
of Williamson.	Renfro.
Graves of Erath.	Richardson.
Hardy.	Rogers.
Harman.	Rountree.
Harper.	Savage.
Harrison.	Shaver.
Heaton.	Sherrill.
Hines.	Shipman.
Hopkins.	Sinks.
Hubbard.	Snelgrove.
Jenkins.	Speck.
Johnson	Stephens.
of Dimmit.	Stevenson.
Johnson of Smith.	Storey.
Johnson of Scurry.	Strong.
Justiss.	Tarwater.
Kayton.	Thurmond.

Tillotson.  
Van Zandt.  
Waddell.  
Wallace.  
Walters.  
Webb.  
Westbrook.  
White.

Wiggs.  
Williams  
of Sabine.  
Williams  
of Travis.  
Woodall.  
Young.

Nays—1.

Ray.

Absent.

Anderson.  
Bond.  
Cox of Navarro.  
DeWolfe.  
Duvall.  
Finn.  
Gates.  
Harding.  
Hogg.  
Holder.  
Keeton.  
Kenyon.  
Land.  
McCombs.

Metcalf.  
Minor.  
Patterson.  
Petsch.  
Purl.  
Sanders.  
Shelton.  
Simmons.  
Smith.  
Thompson.  
Veatch.  
Warwick.  
Woodruff.

Absent—Excused.

Acker.  
Fuchs.  
Gerron.  
Hefley.  
Hornaday.  
Jones.  
Kemble.  
Loy.  
Martin.

Morse.  
Murphy.  
Nicholson.  
O'Neill.  
Reid.  
Turner.  
Williams  
of Hardin.

The Speaker then laid House bill No. 7 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Mr. Speaker.  
Ackerman.  
Adkins.  
Albritton.  
Avis.  
Baker.  
Baldwin.  
Barnett.  
Bateman.  
Beck.  
Bounds.  
Bradley.  
Brice.  
Brooks.  
Carpenter.  
Chastain.  
Coltrin.  
Conway.  
Cox of Lamar.  
Cox of Limestone.

Davis.  
DeWolfe.  
Dunlap.  
Enderby.  
Ewing.  
Eickenroht.  
Finlay.  
Forbes.  
Gates.  
Gilbert.  
Giles.  
Graves  
of Williamson.  
Graves of Erath.  
Hardy.  
Harman.  
Harper.  
Harrison.  
Heaton.  
Hines.

Hopkins.  
Jenkins.  
Johnson  
of Dimmit.  
Johnson of Smith.  
Johnson of Scurry.  
Justiss.  
Kayton.  
Keller.  
Kennedy.  
Kincaid.  
King.  
Kinnear.  
Lee.  
Lemens.  
Long of Houston.  
Long of Wichita.  
Mankin.  
Mauritz.  
Maynard.  
McGill.  
McKean.  
Mehl.  
Metcalf.  
Montgomery.  
Moore.  
Mosely.  
Mullally.  
Negley.  
Olsen.  
Pavlica.  
Pool.  
Pope of Jones.  
Pope of Nueces.  
Prendergast.  
Quinn.

Ray.  
Reader.  
Renfro.  
Richardson.  
Rogers.  
Rountree.  
Sanders.  
Savage.  
Sherrill.  
Shipman.  
Simmons.  
Sinks.  
Snelgrove.  
Speck.  
Stephens.  
Stevenson.  
Storey.  
Strong.  
Tarwater.  
Thurmond.  
Tillotson.  
Van Zandt.  
Veatch.  
Waddell.  
Walters.  
Webb.  
Westbrook.  
White.  
Wiggs.  
Williams  
of Sabine.  
Williams  
of Travis.  
Woodall.  
Young.

Absent.

Anderson.  
Bond.  
Cox of Navarro.  
Duvall.  
Finn.  
Harding.  
Hogg.  
Holder.  
Hubbard.  
Keeton.  
Kenyon.  
Land.  
McCombs.

McDonald.  
Minor.  
Palmer.  
Patterson.  
Petsch.  
Purl.  
Shaver.  
Shelton.  
Smith.  
Thompson.  
Warwick.  
Woodruff.

Absent—Excused.

Acker.  
Fuchs.  
Gerron.  
Hefley.  
Hornaday.  
Jones.  
Kemble.  
Loy.  
Martin.

Morse.  
Murphy.  
Nicholson.  
O'Neill.  
Reid.  
Turner.  
Wallace.  
Williams  
of Hardin.

# HOUSE BILL NO. 22 ON SECOND READING.

The Speaker laid before the House,

as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 22, A bill to be entitled "An Act providing for a system of public education in the State of Texas including the establishment, government, operation, maintenance, management and control of a University and all matters incident thereto; the establishment, maintenance, operation, government, management and control of an agricultural and mechanical college and all matters incident thereto," etc.

The bill was read second time.

Mr. Harman offered the following amendment to the bill:

Amend House bill No. 22 by striking out Section 14, page 7, and all sections thereafter down to and including Section 20, on page 10.

The amendment was adopted.

Mr. Shaver moved that the bill be recommitted to the Committee on Education.

Mr. Barnett moved to table the motion to recommit, and the motion to table was lost.

Question then recurring on the motion of Mr. Shaver, it prevailed.

#### RECESS.

On motion of Mr. Kayton, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Barron.

#### HOUSE BILL NO. 13 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 13, A bill to be entitled "An Act to provide that appointment to the State service shall be on the basis of merit determined by examination, with certain exceptions; providing that the State Board of Control shall administer this act and provide for examinations and rules therefor; defining competitive and non-competitive classes, and providing for fees for examination."

The bill was read second time.

Mr. Williams of Travis offered the following amendments to the bill:

(1)

Amend House bill No. 13 by striking

out all of line 18, page 2, and inserting in lieu thereof the following, "the secretary, chief clerk and one stenographer in the Governor's office."

(2)

Amend House bill No. 13 by inserting in line 10, page 3, after the words "bona fide place" the words "of residence."

The amendments were severally adopted.

Mr. Barnett moved that further consideration of the bill be postponed indefinitely.

Mr. McCombs moved the previous question on the motion to postpone indefinitely.

Question recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—45.

Acker.	Long of Wichita.
Ackerman.	Mankin.
Albritton.	Maynard.
Baker.	McKean.
Barnett.	Moore.
Brice.	Mosely.
Brooks.	Mullally.
Cox of Lamar.	Olsen.
DeWolfe.	Pavlica.
Enderby.	Prendergast.
Ewing.	Ray.
Eickenroht.	Reid.
Finn.	Renfro.
Giles.	Rountree.
Graves of Erath.	Sanders.
Harding.	Sherrill.
Harman.	Shipman.
Harper.	Sinks.
Heaton.	Stephens.
Hines.	Webb.
Justiss.	Wiggs.
King.	Williams.
Long of Houston.	of Sabine.

Nays—66.

Mr. Speaker.	Hardy.
Adkins.	Harrison.
Anderson.	Hogg.
Baldwin.	Holder.
Beck.	Hubbard.
Bounds.	Jenkins.
Carpenter.	Johnson.
Chastain.	of Dimmit.
Coltrin.	Johnson of Smith.
Conway.	Johnson of Scurry.
Cox of Limestone.	Kayton.
Dunlap.	Keller.
Duvall.	Kennedy.
Finlay.	Kincaid.
Forbes.	Kinnear.
Gilbert.	Lee.

McCombs.	Smith.
McDonald.	Snelgrove.
McGill.	Storey.
Mehl.	Strong.
Montgomery.	Tarwater.
Morse.	Thompson.
Negley.	Thurmond.
Patterson.	Tillotson.
Pool.	Van Zandt.
Pope of Jones.	Veatch.
Purl.	Walters.
Quinn.	Warwick.
Reader.	Westbrook.
Richardson.	White.
Rogers.	Williams
Savage.	of Travis.
Shaver.	Woodall.
Simmons.	Young.

Present—Not Voting.

Gates.

Absent.

Avis.	Lemens.
Bateman.	Loy.
Bond.	Mauritz.
Bradley.	Metcalfe.
Cox of Navarro.	Minor.
Davis.	Murphy.
Gerron.	Palmer.
Graves.	Petsch.
of Williamson.	Pope of Nueces.
Hopkins.	Shelton.
Hornaday.	Speck.
Keeton.	Stevenson.
Kenyon.	Waddell.
Land.	Woodruff.

Absent—Excused.

Fuchs.	O'Neill.
Hefley.	Turner.
Jones.	Wallace.
Kemble.	Williams
Martin.	of Hardin.
Nicholson.	

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 13 by adding, below the enacting clause, a section to be known as Section 7a and inserted between Section 7 and Section 8, to read as follows, "the provisions of this act shall take effect and become the law on and after the 16th day of January, 1931."

On motion of Mr. Holder, the amendment was tabled.

Reasons for Vote.

I voted to table this amendment to House bill No. 13, although the amendment was offered by myself, for the reason that I asked the House to vote against the amendment when it was presented. Some reflections had been

made as to Governor Dan Moody's sincerity in recommending this measure, and my amendment was put to the House for the purpose of giving the members thereof who had made insinuations an opportunity to vote directly as to whether or not it was selfishness or "the good of the people at heart" that caused the Governor to recommend and cause this bill to be introduced.

KELLER.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 13, below the enacting clause, by striking out in Section 4, in lines 37 and 38, the following words, "in writing, giving his reasons for rejecting all persons certified as being eligible," and in lines 38 and 39 the following words, "if the board decides that the reasons given are sufficient."

The amendment was adopted.

Mr. Storey offered the following amendment to the bill:

Amend House bill No. 13 in the following manner: After the word "list" in line 35, page 3, strike out everything down to the word "filled" in line 36, and insert in lieu thereof the following, "after any examination has been conducted, as many as may be found eligible shall immediately be appointed to such positions as there are vacancies to fill, and not more than two eligibles for any department or State office shall be retained on the eligible list; and all vacancies to be thereafter filled shall be filled by eligibles who qualify as such by competitive examination."

The amendment was adopted.

Mr. Barnett offered the following amendment to the bill:

Amend House bill No. 13 by striking out all of Section 2 and re-number the other sections to correspond.

On motion of Mr. McCombs, the amendment was tabled.

Mr. Cox of Lamar offered the following amendment to the bill:

Amend House bill No. 13, page 5, by adding to Section 9 thereof:

"Section 9a. The provisions of this act shall take effect on and after January 1, 1931."

Mr. Holder moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—80.

Ackerman.	Anderson.
Adkins.	Avis.
Albritton.	Baker.

Baldwin.	McDonald.
Barnett.	McGill.
Beck.	McKean.
Bond.	Mehl.
Bounds.	Montgomery.
Carpenter.	Morse.
Chastain.	Mosely.
Cox of Navarro.	Mullally.
Cox of Limestone.	Patterson.
Dunlap.	Petsch.
Duvall.	Pool.
Enderby.	Pope of Jones.
Finlay.	Purl.
Forbes.	Ray.
Gates.	Reader.
Gilbert.	Richardson.
Hardy.	Rogers.
Harper.	Rountree.
Harrison.	Savage.
Hines.	Shaver.
Hogg.	Shelton.
Holder.	Simmons.
Hopkins.	Smith.
Hubbard.	Snelgrove.
Jenkins.	Speck.
Johnson	Strong.
of Dimmit.	Tillotson.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Veatch.
Martin.	Waddell.
Kayton.	Warwick.
Keller.	Westbrook.
Kennedy.	White.
Kenyon.	Williams
Kincaid.	of Travis.
Kinnear.	Woodall.
Land.	Woodruff.
Lemens.	Young.
McCombs.	

Nays—21.

Brice.	Renfro.
Brooks.	Sanders.
Coltrin.	Shipman.
Conway.	Sinks.
Cox of Lamar.	Stephens.
DeWolfe.	Tarwater.
Eickenroht.	Walters.
King.	Webb.
Long of Houston.	Wiggs.
Olsen.	Williams
Reid.	of Sabine.

Present—Not Voting.

Heaton.	Sherrill.
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Absent.

Bateman.	Keeton.
Bradley.	Lee.
Davis.	Long of Wichita.
Ewing.	Loy.
Finn.	Mankin.
Giles.	Mauritz.
Graves of Erath.	Maynard.
Harding.	Metcalfe.
Harman.	Minor.

Moore.	Quinn.
Negley.	Stevenson.
Palmer.	Storey.
Pavlica.	Thompson.
Pope of Nueces.	Thurmond.
Prendergast.	

Absent—Excused.

Acker.	Justiss.
Fuchs.	Murphy.
Gerron.	Nicholson.
Graves	O'Neill.
of Williamson.	Turner.
Hefley.	Wallace.
Hornaday.	Williams
Jones.	of Hardin.
Kemble.	

Mr. Pope of Nueces offered the following amendments to the bill:

(1)

Amend House bill No. 13 by striking out the word "section" in line 14, page 5, and insert in lieu thereof the following, "act, or improperly or in advance securing or furnishing the questions or information concerning which such examination is to be had."

(2)

Amend House bill No. 13 by striking out line 14, page 5, and insert the following, "less than \$25 nor more than \$100 and disqualification to thereafter hold any office or salaried position in this State."

The amendments were severally adopted.

Mr. DeWolfe offered the following amendment to the bill:

Amend House bill No. 13, page 2, between lines 10 and 11, by inserting the following, "all university students seeking half-time employment in any State department."

On motion of Mr. Holder, the amendment was tabled.

Mr. Snelgrove moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 13 was then passed to engrossment by the following vote:

Yeas—64.

Adkins.	Conway.
Anderson.	Cox of Navarro.
Baldwin.	Cox of Limestone.
Beck.	Duvall.
Bounds.	Ewing.
Carpenter.	Finlay.
Chastain.	Forbes.
Coltrin.	Harrison.

Hogg.	Pope of Nueces.
Holder.	Purl.
Jenkins.	Quinn.
Johnson of Smith.	Reader.
Johnson of Scurry.	Richardson.
Justiss.	Rountree.
Kayton.	Savage.
Keller.	Shaver.
Kennedy.	Shelton.
Kincaid.	Snelgrove.
Kinnear.	Strong.
Land.	Tarwater.
Lemens.	Thompson.
Mauritz.	Thurmond.
McCombs.	Tillotson.
McDonald.	Van Zandt.
McGill.	Veatch.
Mehl.	Waddell.
Montgomery.	Westbrook.
Morse.	White.
Negley.	Williams
Patterson.	of Travis.
Petsch.	Woodall.
Pool.	Young.
Pope of Jones.	

Nays—46.

Ackerman.	Long of Wichita.
Albritton.	Mankin.
Avis.	Maynard.
Baker.	McKean.
Barnett.	Moore.
Bond.	Mosely.
Brice.	Mullally.
Brooks.	Palmer.
Cox of Lamar.	Pavlica.
DeWolfe.	Ray.
Enderby.	Reid.
Eickenroht.	Renfro.
Finn.	Rogers.
Giles.	Sanders.
Graves of Erath.	Sherrill.
Hardy.	Shipman.
Harding.	Sinks.
Harman.	Stephens.
Harper.	Storey.
Heaton.	Walters.
Hines.	Webb.
Kenyon.	Wiggs.
King.	Williams
Long of Houston.	of Sabine.

Absent.

Bateman.	Lee.
Bradley.	Loy.
Davis.	Metcalfe.
Dunlap.	Minor.
Gates.	Olsen.
Gilbert.	Prendergast.
Hopkins.	Simmons.
Hubbard.	Smith.
Johnson	Speck.
of Dimmit.	Stevenson.
Keeton.	Warwick.
Kemble.	Woodruff.

Absent—Excused.

Acker.	Martin.
Fuchs.	Murphy.
Gerron.	Nicholson.
Graves	O'Neill.
of Williamson.	Turner.
Hefley.	Wallace.
Hornaday.	Williams
Jones.	of Hardin.

Mr. Snelgrove moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

## SPECIAL ORDER SET.

Mr. Tillotson moved that House joint resolution No. 8 be set as a special order for 11 o'clock a. m. tomorrow.

Mr. Hubbard raised a point of order on further consideration of the motion by Mr. Tillotson on the ground that a House joint resolution cannot be set as a special order on Senate bill day.

The Speaker sustained the point of order.

Mr. Tillotson moved that the resolution be set as a special order for 8 o'clock p. m. today.

On motion of Mr. Purl, the motion was tabled.

Mr. Beck moved that House joint resolution No. 8 be set as a special order for 11 o'clock a. m. next Tuesday.

The motion prevailed.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Conway, Senate bill No. 182 was ordered not printed.

On motion of Mr. Dunlap, Senate bill No. 367 was ordered not printed.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has agreed to concur in House amendments to Senate bills Nos. 310 and 291 by a vote of 28 yeas, 0 nays.

Has passed the following bill:

S. B. No. 493, A bill to be entitled "An Act amending an act creating the 110th Judicial District of Texas, to be composed of the counties of Briscoe, Floyd, Motley and Dickens, which act was passed at this session of the Legislature, the same being Senate bill No. 85, so as to better provide for subpœnas,

writs, process, bonds and recognizances issued prior to the taking effect of this act and validating and continuing the same; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

REMARKS BY HON. MIKE HOGG IN  
REGARD TO HOUSE BILL  
NO. 461.

On motion of Mr. Shaver, the following remarks by Hon. Mike Hogg were ordered printed in the Journal:

Mr. Speaker, Ladies and Gentlemen of the House:

1. I arise to a point of personal privilege. I would like to make whatever remarks I have to say in an extemporaneous way, but I feel that my honor has been impugned and my usefulness as a member of this Legislature is deliberately involved in the question of whether or not I am serving some selfish interest by introducing House bill No. 461; and to make myself thoroughly understood, I will read what I have to say:

2. I refer to the late letter of W. A. Scrivener, mayor of Aransas Pass, addressed to each of you, and its accompanying editorial from the Aransas Pass Progress. Scrivener says that this is a dangerous piece of legislation and that he believes its introduction was prompted by selfish motives. Ladies and gentlemen of the House, there is only one thing upon which he could possibly base that assertion. About two years ago the Ingleside Land Company, composed of Hogg Brothers, D. M. Picton and J. S. Peter, made a contract with the Humble Oil and Refining Company whereby our company was to receive a consideration based upon the number of barrels of oil handled over the docks at Port Ingleside. For some time our company enjoyed quite a substantial income from wharfage charges on oil. One day Mr. Picton went to Ingleside and found that the Humble Company had cleared a new right of way across our property and had laid thereon a pipe line to the shore of the bay, and learned that this line was being projected several miles out into the Gulf of Mexico. Mr. Picton notified me to that effect, and I immediately got our attorneys together and we decided that they had best go to Austin and ascertain under what authority the Humble Company were going to the deep sea with this line. Our attorneys inquired of all of the State depart-

ments from which a permit of this kind might have been sought and found that those departments knew nothing about such activities of the Humble Company in their rush to the sea. The matter was discussed with the Governor, with the Attorney General, and with the Game and Fish Department. Those departments immediately recognized that this was a peril not only to our ports, which they saw it would tend to stifle, but that it meant the pollution of our coastal waters, with consequent destruction of fish life and damage to bathing beaches. Immediately thereafter the Governor, the Game and Fish Department and the Attorney General notified the Humble Company to desist from constructing their deep sea line. The Humble Company refused to do so, whereupon the Attorney General brought suit for an injunction, which was granted by Judge Calhoun, but was dissolved by the higher courts.

4. Our motives in the first instance were prompted by a desire to protect our investment, which is not unworthy in itself, yet upon fuller investigation and more mature consideration we realized that the problem involved transcended any personal interest that we might have.

The ports of Texas belong to its citizens. They are vital to the welfare of the people as a whole. While every resident of a port district is naturally alert and interested in everything tending to promote or retard his port, the same thing ought to be true of every good citizen of our State, for in their finality the cost of creating ports is paid by the people, and as citizens we ought to be particularly interested in the ports of the Corpus Christi-Port Aransas district, which takes in the ports of Corpus Christi, Ingleside and Port Aransas, for they have been largely developed from remission of taxes by this very Legislature to the city of Corpus Christi. And all of us know that the greatest actual and potential tonnage passing through our ports is oil, which, in the event of its being handled through a deep sea loading line, would result in its being brought from the bowels of the earth and placed in the holds of ships without ever seeing the light of day, free from all port charges that cause every commodity to contribute its bit to the upbuilding and maintenance of our ports. Practically every port in Texas owes its importance to this very oil tonnage more than to any other thing.

5. As soon as the Humble discovered that we were determined to oppose the building of this deep sea loading line, it had one of its directors come to our office and, in the presence of my brother, two attorneys, myself and another gentleman, he told us that if his company was not prevented from building the deep sea line he would show us where we would get more income from wharfage than we ever contemplated under our contract with them, but that if it were prevented from building this deep sea line circumstances would force them to seek another port for the transportation of their oil. We replied that this matter was in the hands of the officers of the State of Texas, but that, regardless of any loss of revenue to us, we were going to fight the deep sea loading line with all our power and to the last ditch, and if they won the proposition on legal grounds we would carry the fight to the people of Texas, because we realized what it meant to every port from Brownsville to Sabine Pass. We knew that if the Humble Company were permitted to build that line, every other company transporting oil in Texas would be forced to do the same thing in order to compete with it, because the use of a deep sea loading line would enable it to escape much expense incident to the entry of vessels in a harbor for cargo.

6. We found upon investigation that Mexico had at one time permitted sea loading lines, and that these lines had done almost irreparable injury by pollution. Not only was sea life destroyed, but the beaches for miles in each direction were ruined for bathing. Mexico, in 1925, passed a law prohibiting deep sea loading lines as the result of its experience with them. The Game and Fish Commissioner sent Judge J. R. Smith of that department out to California to investigate, and he reported that California had two sea lines, which, at that time, the State government was attempting to put out of business. He reported further that the waters in the vicinity of these sea loading lines were absolutely covered with oil and that the beaches for several miles were spoiled. He has told me since that California won its fight against these sea lines by the Legislature of California recently passing a statute prohibiting them. In this connection, I will say further that Judge Smith came to me at the beginning of this session and told me that he would like to see a bill introduced that would prevent the peril that has been opened

up by the decision of our courts permitting the construction of the deep sea lines. Recently Will Tucker, head of the Game and Fish Department, told me that the Humble Company expressed a desire that such a bill be passed. Assistant Attorney General Paul Page, who drew this bill at my request, appeared in committee hearing upon this bill and demonstrated the vital importance of its passage to the Texas ports and the waters of the Gulf of Mexico. Also, I wish to say that the Governor of this State told me no later than yesterday that he considered this such an important piece of legislation that if it failed to pass at this session he would submit it to a special session of the Legislature.

7. Now, taking up this buncombe that has been published in the editorial of the Aransas Pass Progress, I want to show you how unreasonable it is. It says that this bill is directed against Port Aransas and the interests of the State of Texas at large. This bill is meant as much for the protection of Port Aransas as it is for the protection of every other port in Texas and, therefore, in a measure beneficial to the State at large. The harbor at Port Aransas is more favorably situated in case of a hurricane shoaling its channel than any other port on the Texas coast, for the reason that it is much closer to the high seas, the Humble Company's present loading docks at Harbor Island being about two miles from the open sea.

Compared with the Humble's great oil docks at Port Aransas, Galveston's closest dock is about six miles from the sea; the docks of the city of Houston lie on a channel fifty miles inland; the docks at Corpus Christi, located on the same channel that serves Ingleside and the Humble's docks at Port Aransas, are twenty-two miles from the sea. Ingleside, located on the Corpus Christi channel, is ten miles from the sea. The great oil port of Port Arthur is on a channel about eighteen miles from the sea; Beaumont, on the same channel, must be thirty or more miles inland; and Orange is still further. The longer the channel from the sea the greater are the possibilities of shoaling as a result of storms. All of these ports are equally exposed to hurricanes with Port Aransas and, therefore, their channels are more apt to be shoaled for greater distances and longer periods.

Now, ladies and gentlemen of the House, if you believe that I have been impelled by a selfish, personal interest



in introducing this bill, I think it is your duty to kick me out. That should be the fate of any member who dares to introduce anything with a view to personal profit rather than to the best interests of the State.

Mr. Anderson moved that the House of Representatives give Mr. Hogg a rising vote of appreciation and confidence for his unselfish services in behalf of the State of Texas while serving as a member of the House.

The motion prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 12, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 386, A bill to be entitled "An Act exempting the proceeds of any policy of life insurance, including the cash value thereof, from execution or liability of any creditor of the insured."

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4 of the Revised Civil Statutes of 1925," with amendments.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

(Mr. Holder in the chair.)

#### HOUSE BILL NO. 54 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 54, A bill to be entitled "An Act authorizing fraternal benefit societies to better provide insurance and annuities upon the lives of children, and prescribing the basis of contribution, standards of mortality, for maintenance of adequate reserve; amending Articles 4825, 4826, 4827 and 4828, and repealing all other laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time, and failed to pass to engrossment.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 493, to the Committee on Judicial Districts.

Senate bill No. 386, to the Committee on Insurance.

#### NOTICE GIVEN.

Mr. Tarwater gave notice that he would on tomorrow call up for consideration at that time Senate bill No. 85, which bill was theretofore laid on the table subject to call.

#### ADJOURNMENT.

Mr. Hardy moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Woodruff moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Hardy prevailed, and the House accordingly, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: Senate bills Nos. 280, 647, 474 and 148; House bills Nos. 370 and 230.

Revenue and Taxation: Senate bill No. 115; House bills Nos. 638 and 610.

Eleemosynary Institutions: Senate bills Nos. 182 and 236.

Education: Senate bill No. 189.

Judiciary: House bills Nos. 72, 462, 53 and 646; Senate bills Nos. 252, 260 and 169.

The following committees have today filed adverse reports on bills, as follows:

Judiciary: House bills Nos. 566, 333, 50, 242, 240, 239, 238, 237, 282, 380, 63, 35, 621, 93, 81, 83, 79, 77, 73, 172, 30 and 143.

Revenue and Taxation: House bill No. 394.

Criminal Jurisprudence: House bills Nos. 266, 230, 614, 369, 420, 143 and 648.